

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TRUSTEES of the BRICKLAYERS PENSION TRUST FUND – METROPOLITAN AREA; BRICKLAYERS AND TROWEL TRADES INTERNATIONAL RETIREMENT SAVINGS PLAN; BRICKLAYERS HOLIDAY TRUST FUND – METROPOLITAN AREA; TROWEL TRADES HEALTH AND WELFARE FUND – DETROIT AND VICINITY; BRICKLAYERS AND TROWEL TRADES INTERNATIONAL PENSION FUND; DETROIT METROPOLITAN MASONRY JOINT APPRENTICESHIP AND TRAINING COMMITTEE; BRICKLAYERS INTERNATIONAL MASONRY INSTITUTE; and the LABOR-MANAGEMENT COOPERATION COMMITTEE;

Plaintiffs,

Case No. 16-12667
Hon. Robert H. Cleland

v.

C M U MASONRY CO., INC., a Michigan corporation, CARL J. COLO, an individual, and EMILIO MASTRONARDI, an individual, jointly and severally,

Defendants.

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AMENDED ORDER FOR DEFAULT JUDGMENT

THIS MATTER having come before the Honorable Court on Plaintiffs' previous Motion for Default Judgment Against Defendants CMU Masonry Co., Inc. and Carl J. Colo **[Dkt. 14]** and this Court being fully advised in the premises, thus hereby finds that:

1. An Order for Default Judgment was entered against Defendants CMU Masonry Co., Inc. and Carl J. Colo on March 17, 2017 **[Dkt. 16]**.
2. Said Order provided that Plaintiffs were granted judgment against both CMU Masonry Co., Inc. and Carl J. Colo in the amount of \$24,602.67, jointly and severally, on the audit period of August 2012 through March 2014.
3. Additionally, said Order also provided that Defendants shall submit their books and records for audit covering the period of April 2014 through the present within thirty (30) days of entry of the Order. Said books and records were provided and the audit was completed and published on May 2, 2017.
4. The Order further provided, in pertinent part, that upon completion of the audit and on filing a copy of the auditor's report and appropriate affidavits, Plaintiffs shall have amended judgment against Defendants for all contribution amounts as are found to be due upon an updated audit through the present, as well as interest thereon, at the rate of 12% per annum from the due date of the paid contributions, liquidated damages at the rate of 10% of all delinquent amounts pursuant to Plaintiffs' resolutions, policies and procedures, and the provisions of the parties' collective bargaining agreement, as well as accumulated interest, court

costs, costs of the audit, and statutory attorneys fees, all pursuant to 29 U.S.C. 1132(g)(2).

5. Plaintiffs have provided a copy of the auditor's report [**Dkt. 21, Ex. 1**], along with an appropriate affidavit of the relevant auditor who completed said audit report, who has personal knowledge of same in compliance with this Honorable Court's previous Order.

ACCORDINGLY, IT IS ORDERED that Plaintiffs shall have an Amended Order for Default Judgment against Defendants CMU Masonry Co., Inc. and Carl J. Colo, jointly and severally, pursuant to 29 U.S.C. 1132(g)(2), in the amount of \$367,348.32, consisting of \$354,404.32 for unpaid fringe benefit contributions together with liquidated damages and accumulated interest thereon, court costs of \$541.00, and attorneys fees of \$12,403.00.

IT IS FURTHER ORDERED that this Honorable Court shall retain jurisdiction of this matter pending satisfaction of this judgment and/or compliance with any additional orders.

SO ORDERED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated:

May 30, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, May 30, 2017, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522